MANIPUR GAZETTE

सत्यमेव जयते

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 25 **Imphal, Thursday, April 13, 2023** **(Chaitra 23, 1945)**

GOVERNMENT OF MANIPUR
SECRETARIAT: LAND RESOURCES (FORMERLY REVENUE) DEPARTMENT

ORDERS BY THE GOVERNOR: MANIPUR

Imphal, the 12th April, 2023

No. DRO-106/1/2023-REV-REVENUE: Whereas the Deputy Commissioner, Senapati District issued an order allowing the recognition of Ramgailong Village as a separate village under Saitu-Gamphazol Sub-Division of the then Senapati District with Shri Mathiuri Dangmei, as Khullakpa vide order No. DC(SPT)16/8/83/Vol-III(Pt) dated 03.05.2003; and

2. Whereas, clarifications were sought from Forest Department on the matter vide letter No. DRO-106/1/2023-REV-REVENUE dated 31.03.2023;

3. Whereas, Forest Department vide letter No. 3/4/2021/Forests dated 03.04.2023 has confirmed that the boundary of the so-called Ramgailong Village falls within the boundary of the Langol Reserved Forests;

4. Whereas, Forest Department has further confirmed that Langol Reserved Forests was notified by the Manipur State Darbar vide Resolution No. 4 dt. 02.11.1938. As per Section 4 of the Union Territories (Laws) Act 1950 (Act No. 30 of 1950), the resolution of the State Darbar is deemed to have been taken under the provision of the corresponding Act and the legal position of the Langol Hills of being a Reserved Forest since 1938 has been upheld by the Courts including the Hon'ble High Court of Manipur;

5. Whereas, Forest Department has also confirmed that under Section 2 of the Forest (Conservation) Act, 1980 and as per the directive of the Hon'ble Supreme Court in its Order dt. 12.12.1996 in WP(C) No. 202 of 1995 and also Order dated 21.07.2022 in Civil Appeal No. 10294 of 2013, no forest land including the Reserved Forests, Protected Forests and any other forests irrespective of legal classification and ownership can be diverted for other purpose including settlement of villages except with the prior approval of the Central Government. The said orders of Deputy Commissioner, Senapati dated 03.05.2003 is a violation of provisions of the Indian Forest Act, 1927; Forest (Conservation) Act, 1980; Manipur Forest Rules, 2012 and the Hon'ble Supreme Court Orders mentioned above;

6. Whereas, it is also observed, based on Forest Department's letter no. 3/2/2021/Forests dated 03.04.2023 that the boundary of Ramgailong Village falls within the then C. Phailen Village which had been recognized by Deputy Commissioner Senapati vide his Order No. DC(SPT)16/8/83 dated 08.02.1988. The same order was declared null and void by Secretariat Revenue Department in its Order No. 7/43/35-R dated 11.12.2000;

7. Whereas, the area falling under the said Ramgailong village had been transferred to Imphal District vide Manipur Gazette No. 37 dated 16th January, 1985, and is now under Imphal West district subsequent to creation of Imphal West and Imphal East districts in 1997;

8. Whereas, Section 5 of the MLR&LR Act, 1960 defines the jurisdiction of Deputy Commissioners;

9. Whereas, the Deputy Commissioner, Senapati has no jurisdiction over Imphal West district;

10. Whereas, the order of Deputy Commissioner, Senapati dated 03.05.2003 is therefore in violation of the MLR&LR Act, 1960;

11. Whereas, under the then Rules of Business of the Government of Manipur 2001, the entry '(viii) Creation of Districts, Sub-Divisions, Tehsils and villages and alteration of boundaries thereof' has been allocated to the Revenue Department at sl. No. 28;

12. Whereas, in implementation of these Rules, the competent authority to issue order for creation of villages is the Revenue Department (now Land Resources Department);

13. Whereas, the Revenue Department has not delegated power to issue such order to the Deputy Commissioner, Senapati;

14. Whereas, the order of the Deputy Commissioner, Senapati is also therefore in violation of said Rules of Business of the Government of Manipur 2001;

15. Whereas, in view of paras 5, 10 and 14 above, the order of the Deputy Commissioner, Senapati is illegal in law;

16. Whereas, the order dated 03.05.2003 is required to be cancelled in view of its illegality;

17. Now, therefore, the Governor of Manipur is pleased to declare the Order no. DC(SPT)16/8/83/Vol-III(Pt) dated 03.05.2003 of Deputy Commissioner, Senapati regarding recognition of Ramgailong Village as null and void ab initio.

By Orders and in the name of the Governor,

NAMOIJAM KHEDA VARTA SINGH,
Secretary (Land Resources),
Government of Manipur.

Printed at the Directorate of Printing & Stationery, Government of Manipur/270-C/13-04-2023.